

**REMARKS**

Claims 1-19 are all the claims pending in the application.

**35 USC § 102:**

Claims 1, 3, 5, 6, 8-10 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi et al. (U.S. Patent 5,826,552 [hereinafter “Noguchi”]). Applicant respectfully traverses the rejection in view of the following remarks.

The claims provide novel combinations of elements that are neither disclosed nor obvious in view of Noguchi. As a non-limiting example, claims 1 and 10 respectively describe an oil passage which supplies hydraulic pressure for the closing member and which is controlled separately from an oil passage which supplies hydraulic pressure for relatively rotating the first rotor and the second rotor. This feature provides beneficial aspects, as noted in the present specification.

Noguchi does not teach the claimed features, but instead discloses an oil passage that is used to control both the alleged closing member of Noguchi and rotation of the applied rotors, and is not controlled separately. (see, for example, col. 5, lines 35-37; and col. 6, lines 47-50 of Noguchi). Thus, Noguchi does not disclose the claimed features. Consequently, claims 1 and 10 cannot be anticipated by Noguchi, and the rejection of claims 1 and 10 under 35 U.S.C. § 102(b) should be withdrawn. Dependent claims 3, 5, 6, 8, 9 and 16-19 also are not anticipated by Noguchi, at least by virtue of their respective dependencies on independent claims 1 and 10.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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